



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eighteenth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.332 of 2021
in
Crl.A.(MD)No.24 of 2021

MOHAMED SALEEM

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIRENGAM,
TIRUCHIRAPPALLI DISTRICT.
CRIME NO.29/2018

... RESPONDENT/ RESPONDENT

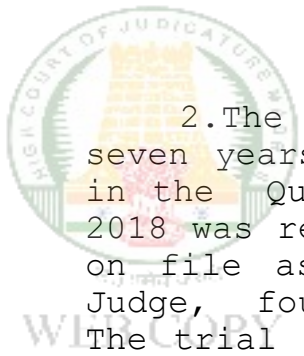
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by Suspending the Sentence imposed upon him in Spl.S.C.No.8 of 2019 on the file of the learned Sessions Judge, Mahalir Neethimandram, Tiruchirappalli, Tiruchirappalli District, dated 04.12.2020 pending disposal of the main Criminal Appeal.

Prayer in Crl.A. (MD)No.24 of 2021:

To call for the records in Spl.S.C.No.8 of 2019 on the file of the learned Sessions Judge, Mahalir Neethimandram, Tiruchirappalli, Tiruchirappalli District and set aside the judgment dated 04.12.2020 and Acquit the Appellants of the Charge leveled against them.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.THIRUVADI KUMAR, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, While admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the Sessions Judge, Mahalir Neethimandram, Tiruchirappalli, Tiruchirappalli District, in Spl.S.C.No.8 of 2019, dated 04.12.2020, till the disposal of the appeal.



2.The case against the petitioner is that he misbehaved with a seven years old female child, who was studying in second standard, in the Quieth Milleth Primary School. A case in Crime No.29 of 2018 was registered by the respondent police and the same was taken on file as Spl.S.C.No.8 of 2019. After the trial the Sessions Judge, found the petitioner guilty under Section 10 of POCSO Act. The trial Court convicted the petitioner under Section 10 of POCSO Act and sentenced him to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default to undergo a further period of one month simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in CrI.A. (MD)No.24 of 2021 and along with the appeal, he filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner is a School Correspondent and due to enmity within the Trust Members, the false case was foisted against the petitioner. There was an enmity between P.W.4 and the petitioner and only on that motive, the false case was foisted against the petitioner and that the evidence of the class teacher, P.W.12, clearly reveals that there is no fault on the side of the petitioner. The occurrence is said to have taken place on 09.01.2018, but, the complaint was lodged only after two months and the delay was not explained by the prosecution and there are much more points to be argued in the main appeal and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the prosecution, it is stated that the petitioner is the Administrator of the School and the child was abused by the petitioner. The victim has given a statement under Section 164 Cr.P.C. before the Judicial Magistrate, which was marked as Ex.P2. The alleged enmity between A4 and the petitioner was already negatived by the trial Court. The prosecution has examined 14 witnesses and marked 18 documents and one material object. The prosecution has proved the case beyond all reasonable doubt and prayed the petition to be dismissed.

5.It is seen that the petitioner is in custody from 04.12.2020. There are some arguable points for the petitioner in the appeal and the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner is ordered to be released on bail on the following conditions:

(i)the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two

<https://hcservices.sourcetools.com> of whom, one should be a blood relative, each for



a like sum to the satisfaction of the Sessions Judge, Mahalir Neethimandram, Tiruchirappalli, Tiruchirappalli District;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal.

sd/-
18/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM, TIRUCHIRAPPALLI, TIRUCHIRAPPALLI DISTRICT.
- 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, SRIRENGAM, TIRUCHIRAPPALLI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.A.THIRUVADIKUMAR, Advocate (SR-1192[I] dated 18/02/2021)

ORDER
IN
CRL MP(MD) No.332 of 2021 in
Crl.A.(MD) No.24 of 2021
Date : 18/02/2021

LS
MS/VR/SAR-1/19.02.2021/3P.6C